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File No. 92-22

Serial Nos. 1

~~490~~ 1922

GENERAL AND REVENUE SECRETARIAT

(LB)

~~Part A: Manuscript~~
B for Nov: 22.

Serial Nos.

Changes in the rules for the election of presidents & Vice presidents of Local Boards

To, The Compiler, Mysore Gazette
No. L. 3354/d 3.11.22

Notifies certain Changes in the rules for the election of presidents and Vice presidents of Local Boards

G.R.S. 57

G. R. S. VI—G/32]

SUBJECT

Diary No. of letter replied to 1579/2

General and Revenue Secretariat

(L&G)

the *191*

Date of issue 3/11/22

Signed by

Section L&B

File No. 92-22

Serial No 1

No. L 3359

To Notification

The following changes are mad
in the rules for the election o
Presidents and Vice-Presidents
Local Boards published with
Notn No 11958 L&B 34-18-8 d
15th Jan 1919.

(i). The word "non-official"
shall be inserted before the
word "President" in the first
(ii) The words "non-official mem
in the Extent of" shall be inserted af

over.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet, draft form.)

the meeting and he must be
proposed by one and seconde
by another non-official membe
present thereat.
(vi) No vote given by a membe
for himself shall be counte
No member who is a part
shall take part in voting
By order
&c. signature
for Secy to Govt Rev.
HK
27/10/22
To
The Compiler, Mysore Gazette,
for publication in the
Gazette with the request
that 500 (one hundred) copies may
be sent to the Secty

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NOTIFICATION.

No. 11758—L. B. 54-18-8, dated 15th March 1919.

The Government of His Highness the Maharaja are pleased to issue the following rules under clauses (*b*), (*c*), (*d*), (*e*), (*f*) and (*j*) of Section 37 of the Mysore Local Boards and Village Panchayets Regulation, VI of 1918:—

UNDER CLAUSE (*b*).

I. Proceedings of the meeting at Local Boards.

Notice of meetings.

1. At least ten days' notice of all meetings shall be given to every member: Provided that the annual budget estimate shall be circulated to all the members of the Board at least a fortnight before the date fixed for its consideration. Provided also that the accidental failure of service of notice on any member shall not invalidate the proceedings of any meeting.

Agenda.

2. The notice shall set forth clearly and fully the business to be transacted at the meeting, and no business other than that so stated shall be transacted except with the assent of the members present.

President to preside at meetings.

3. Every meeting shall be presided over by the President, if he is present at the time appointed for holding the same and if he is absent by the Vice-President, and if both the President and Vice-President are absent, the members present shall choose one of their number to preside.

Quorum.

4. No business shall be transacted at a meeting unless at least one-third of the whole number of members, except as otherwise provided for, are present from the beginning to the end of such meeting. If at the time appointed for a meeting or within half an hour, thereafter, a quorum is not present, the presiding authority may adjourn the meeting to such hour on some future day as he may reasonably fix. At such adjourned meeting any number of members not being less than five will form the quorum.

Decision by majority.

5. All questions duly submitted to a Board shall be decided by a majority of votes. If the votes are equal, the President shall have a second or casting vote.

Provided that the President shall not have a casting vote, if his own election to any office or his own conduct to any matter connected with the Board is in question.

Propositions to be reduced to writing.

6. Every motion or amendment duly made and seconded and pressed to a division, shall be reduced to writing before being put to vote. Every such resolution or amendment shall be recorded in full in the Proceedings together with the number and names of persons for and against it.

Interested member not to vote.

7. No member of a Board shall vote on any question coming before the Board for consideration touching such otherwise than in its general application to all persons and properties within the limits of the area in which he has any pecuniary interest.

Language of Proceedings of Board.

8. The business at meetings of Local Board shall be conducted either in English or in Kannada as such Board may decide: Provided that if the Proceedings are conducted in English and if any of the members present do not understand English, it shall be the duty of the President to have the subject matter explained to them in Kannada.

Language of minutes of Proceedings of Board.

9. The minutes of the Proceedings of a District Board shall be recorded in English. The minutes of the Proceedings of a Taluk Board shall be recorded either in English or in Kannada, as may be decided by the Board.

Modification or cancellation of resolutions.

10. No resolution of any Local Board shall be modified or cancelled within three months by such Board, except at a meeting specially convened for the purpose and by a resolution of such Local Board supported by not less than one-half of the whole number of the members then on such Board.

Meetings to be public

11. Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Board is such as should be held in private.

Names of members absent and those present to be specified.

12. The proceedings of every meeting of a Board shall give the names of members present as well as those absent, and state whether an explanation of absence is forthcoming in every case.

Boards when to meet.

13. (1) Every District Board shall meet not less than four times in the year; and a period exceeding four months shall not be allowed to lapse between any two consecutive meetings.

(2) Every Taluk Board shall meet not less than six times in the year; and a period exceeding three months

Draft Rules A

shall not be allowed to lapse between any two consecutive meetings.

Dates of meetings.

14. As a rule, before the close of each meeting of a Local Board, the date of the next ordinary meeting shall be fixed.

Special meetings.

15. The President may call a meeting at any time, when adequate necessity for doing so seems to have arisen, and he shall at any time call a meeting on the requisition in writing of not less than one-third of the members, then on the Board: Provided that no such meeting shall be held unless a notice of the meeting specifying the time and place at which and the purpose for which it is to be held, has at least six days previous to the day of such meeting been sent to each of the members.

Suggestions from Government, etc., to be considered at next meeting.

16. When any suggestion in writing regarding any matter is received by a Local Board from Government or the Deputy Commissioner or the Chief or Senior Officer for the district in the Educational, Medical or Public Works Department, or the Head of any such Department, it shall be laid before the next meeting and fully considered and a resolution thereon shall be recorded.

Board may delegate their functions to Committees.

17. A Board may delegate any of their duties or powers to Committees consisting of such members as they think fit; and that any Committee so formed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time discontinue and alter the constitution of any Committee so formed.

Appointing of a Work Committee.

18. A Local Board shall delegate to a Committee, which shall be called "The Works Committee" and shall consist of not less than three members, the duty of inspecting works in progress under such Board.

The Local Board may delegate to the Works Committee such other powers and duties as it thinks fit, either generally or with respect to any specified work or works not being executed for the Board by the Government, Public Works Department.

II. Rules for the Election of Presidents and Vice-Presidents of Local Boards.

The Government of His Highness the Maharaja are pleased to prescribe the following rules for the election of the President or Vice-President of a Local Board:—

Major Official

(i) The election shall be subject to the approval of Government.

(ii) The election shall take place at the first meeting of the newly constituted Local Board or at the meeting held on a day not later than one month from the date of the Government Order, if the election is not taken during the term of the existing Board as aforesaid.

(iii) The election shall not be held unless at least half of the total number of members are present at the meeting.

(iv) Any member, who desires or is willing to be elected must notify his intention at the meeting and he must be proposed by one and seconded by another member present thereat.

(v) The election shall be decided by the majority of votes of the members present at the meeting and voting. If there is an equal number of votes in favour of each of two or more candidates, the selection of one of them shall be made by lot by the presiding authority of the meeting in such manner as the Board at such meeting shall determine.

(vi) No vote given by a member for himself shall be counted.

(vii) The result of the election shall be declared at the meeting immediately by the presiding authority and communicated by him without delay to the Deputy Commissioner of the district.

(viii) The presiding authority shall also forward under his signature to the Deputy Commissioner minutes of the proceedings of the meeting in which shall be recorded:—

(*a*) The names of the members present.

(*b*) The names of proposer and seconder of each candidate that stood for election.

(ix) The validity of election may be contested by a petition signed by at least three members and not otherwise, provided that such petition shall reach the Deputy Commissioner within seven days from the date of election and shall allege specific grounds for setting aside the election on account of material irregularity in the conduct thereof and for other sufficient cause.

(x) Upon receipt of such petition, the Deputy Commissioner shall enquire personally or by some other officer deputed by him into the validity of such objection or objections.

(xi) After the expiry of seven days from the date of election, or, if any petition has been received after the close of an enquiry into the allegations contained therein, as prescribed in the preceding rule, the Deputy Commissioner should report the proceedings with his opinion to Government, who may pass such orders as they may think fit.

(xii) In the event of no election being made within the prescribed period, or the member or members elected not being approved the President or the Vice-President or both shall be appointed by Government by nomination.

III. Powers of Presidents and Vice-Presidents.

Functions of Presidents.

1. (*a*) The President of a Board shall preside, unless prevented by reasonable cause, at the meetings of the Board;

(*b*) watch over the financial and executive administration of the Board and submit to the Board, all questions connected therewith, which shall appear to him to require its orders;

(*c*) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and subject to the rules framed by Government under sub-section (*i*) of Section 21 of the Regulation to dispose of all questions relating to the service of the said officers and servants and their pay, privileges allowances;

(*d*) furnish to the Deputy Commissioner or the Officer to whom the Deputy Commissioner has delegated its powers under sub-section (3) of Section 32 of the Regulation, a copy of every resolution passed at any meeting of the Board and any extract from the minute of the Board's proceedings or other document or thing which the Deputy Commissioner may call for under Section 32.

(ii) The President of a Local Board shall have the custody of its proceedings and records.

(iii) The resolutions of a Local Board shall be

carried into effect by its President, in whom the entire executive power of the Board shall be vested, and who shall be directly responsible for the due fulfilment of the purposes of the Local Boards and Village Panchayets Regulation and these Rules.

iv. It shall be lawful for the President of a Local Board in cases of emergency to direct the execution of any work or the doing of any act which such Board is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and to direct that the expense of executing such work or doing such act incurred as the emergency may require, shall be paid from the funds at the disposal of such Board: Provided that every direction given under this rule shall be reported at the next following meeting of the Board.

Function of Vice-President.

2. As soon as a Vice-President is appointed, the President shall, subject to the approval of Government lay down definitely what duties are delegated by him to the Vice-President. It shall be the duty of a Vice-President

(a) to exercise these powers under the general control of the President.

(b) in the absence of the President and unless prevented by reasonable cause to preside at the meetings of the Board: and

(c) pending the successful appointment or election of a President or during the absence of a President on leave, to exercise the powers and perform the duties of the President.

Under Clause (c).

District Boards may assign certain functions to Taluk Boards.

In addition to the duties assigned by Section 10 (c) of the Regulation to Taluk Boards as Corporate bodies any District Board may assign by a formal resolution and with the sanction of Government all or any of the following functions to the Taluk Boards within the district:—

(a) Control over markets and slaughterhouses.

(b) Control over musafirkhanas and rest-houses, and cart-stands.

(c) Control over such cattle-pounds as are not assigned to Village Panchayets.

(d) Planting and care of avenue trees on roads in the control of Taluk Boards.

(*e*) Construction and maintenance of such village and other roads as do not fall within the jurisdiction of Village Panchayets.
(*f*) Opening and closing of the Vaidyasalas.
(*g*) Provision of water-supply for drinking purposes in villages not under the control of Village Panchayets.
(*h*) Purchase and maintenance of breeding bulls.
(*i*) Holding of cattle shows.
(*j*) Conservancy and sanitary arrangements at fairs and festivals.
(*k*) Conservancy and sanitation of areas not within the jurisdiction of Village Panchayets (including destruction of snakes and dogs, deportation of monkeys, etc.).
(*l*) Vaccination.
(*m*) Lighting of public roads.
(*n*) Making grants-in-aid to Village Panchayets.

2. Any District Board may at its discretion and by a formal resolution and with the sanction of Government assign to the Taluk Boards, as agents of the District Board, all or any of the following functions:—

(*a*) Control over Primary Schools.
(*b*) Control over rural dispensaries (including Veterinary Dispensaries).
(*c*) Maintenance of public gardens and buildings.
(*d*) Working out details in connection with the administration of the Irrigation Cess Fund.
(*e*) Inspection of Minor Muzrai institutions.
(*f*) Any other function not directly undertaken by the District Fund.

Under clause (*d*).

Contracts to be ordinarily in writing and Stamp and Registration Laws to be complied with.

Contracts entered into by a Local Board shall ordinarily be reduced to writing, and the provisions of the laws relating to stamps and registration shall be complied with.

Written contracts to be signed by President.

2. Written contracts shall be signed on behalf of a Local Board by the President.

Mode of executing transfers of property.

3. Every transfer of immovable property vested in a Board shall be made by an instrument under the common seal, signed by the President and by two of the

members of the Board, and the fact that the transfer is signed with the sanction of Government shall be distinctly expressed.

Authority for payment of money from Local Funds.

4. Subject to the provision of Sections 34, 35 and 36 no payment shall be made from the Government Treasury out of a Local Fund except upon a cheque signed by the President of the Local Board.

UNDER CLAUSE (e).

Audit of accounts.

The appointment of auditors of the accounts of the Local Boards will be made by the Comptroller and entertained in his office. The charges pertaining to this establishment shall, in the first instance, be disbursed from State Funds and such portion of these charges as may, from time to time, be fixed by Government shall be ratably levied from the several District Boards.

UNDER CLAUSE (f).

Apportionment of funds.

One-half of the Local cess levied in a taluk shall be placed to the credit of the Taluk Board of that taluk.

2. Any District Board may by a formal resolution and with the sanction of Government assign all or any of the following items of revenue to the Taluk Boards within the district, the assignment of revenue depending on the functions assigned to the Taluk Boards under rules under Section 37, clause (c).

(a) Fines and surplus sale proceeds of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892.

(b) Rents and fees leviable under Section 38 (a) and (b).

(c) Fees for the temporary use of cart-stands and of markets, market-sites, village-sites, and other similar public places on the occasion of fairs and festivals.

UNDER CLAUSE (j), [FOR THE GUIDANCE OF COMMITTEES].

Committee meetings to be presided over by a Chairman.

A Committee may elect a Chairman of their meetings, and if no such Chairman is elected, or if he is not present at the time appointed for holding any meeting, the members present shall choose one of their members to be Chairman of such meeting.

2. A Committee may meet and adjourn as they think proper, but the President of the Board may, whenever he thinks fit, and shall upon the written request of not less than two members of a Committee call a special meeting of such Committee. Committees to meet when they think proper.

3. Questions at any meeting of a Committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes, the Chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the Committee are present from the beginning to the end thereof. Questions at Committees' meetings shall be decided by a mojority of votes.

4. The minutes shall be kept of the names of the members present and absent and of the proceedings at each meeting of the Committee, and if any members present at the meeting so desires of the names of the members voting respectively for or against any resolution in a book to be provided for the purpose, which shall be signed, as soon as practicable, by the Chairman of such meeting and shall at all reasonable times be open to inspection by any member of the Board or by any inhabitant of the district. Minutes of proceedings of Committees to be kept.

5. During any vacancy in the Committee the continuing members may act as if no vacancy had occurred. Vacancy not to affect Committees' proceedings.

By Order,

B. RAMASWAMAIYA,

Secretary to Government,

Revenue Department.

WD 1862—GPB—300—15-4-19